

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
	)	NO. 04-10017-GAO
v.	)	
	)	
	)	
WILLIAM SMALLWOOD	)	

**ASSENTED TO MOTION TO CONTINUE SENTENCING HEARING**

Now comes the defendant, William Smallwood, and respectfully moves this Court to continue the sentencing hearing in the above-entitled matter until November 22, 2004. In support of this motion, the defendant states that his sentencing hearing has been scheduled for October 14, 2004. Furthermore, the defendant's counsel has been engaged in a first degree murder trial in the Suffolk Superior Court since September 20, 2004 (Commonwealth v. Lord Hampton, No. 99-11637). The case is not expected to go to the jury for deliberation until October 14 or October 15, 2004.

Moreover, the defendant's counsel will be engaged in another first degree murder trial in Suffolk Superior Court starting on November 4, 2004 (Commonwealth v. Paul

Pepicelli, No. 99-11307) The defendant's counsel has spoken with AUSA James Lang, and he has stated that he does not object to the defendant's request.

For the reasons stated above, therefore, the defendant requests that his sentencing hearing be continued until November 22, 2004.

Respectfully submitted,  
William Smallwood

By: Randy Gioia  
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#### **Affidavit**

I, Randy Gioia, am the attorney for William Smallwood. The assertions contained in the above motion are based on my own personal knowledge and upon information and belief and are true to the best of my knowledge and belief.

Signed under the pains and penalties of perjury this 12th day of October, 2004

Randy Gioia  
Randy Gioia